
SUBSTITUTE HOUSE BILL 2013

State of Washington

60th Legislature

2007 Regular Session

By House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Williams, O'Brien, Ericks, Appleton and Ormsby)

READ FIRST TIME 02/22/07.

1 AN ACT Relating to authorizing tribal and Indian nation law
2 enforcement officers to act as Washington state peace officers; and
3 adding a new chapter to Title 10 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The definitions in this section apply
6 throughout this chapter unless the context clearly requires otherwise.

7 (1) "General authority Washington peace officer" means an officer
8 authorized to enforce the criminal and traffic laws of the state of
9 Washington generally.

10 (2) "Tribal law enforcement officer" means a person:

11 (a) Who is a duly commissioned officer of the police or public
12 safety department of any Washington Indian nation or tribe; or

13 (b) Who is a law enforcement officer employed by the United States
14 bureau of Indian affairs and is assigned in Washington.

15 NEW SECTION. **Sec. 2.** (1) All tribal law enforcement officers
16 commissioned under subsection (2) of this section shall be recognized
17 and authorized to act as general authority Washington peace officers.
18 A tribal law enforcement officer recognized and authorized to act as a

1 general authority Washington peace officer under this section has the
2 same powers as any other general authority Washington peace officer to
3 enforce state laws in Washington, including the power to make arrests
4 for violations of state laws.

5 (2) The chief of the Washington state patrol may issue a tribal law
6 enforcement officer a commission to act as a general authority
7 Washington peace officer under this section. The procedures to be
8 followed in the issuance and revocation of commissions granted under
9 this section and the respective rights and responsibilities of the
10 departments shall be set forth in a written agreement to be executed
11 between the chief of the Washington state patrol and the Indian nation
12 or tribe or the appropriate federal official.

13 (3) An agreement executed under subsection (2) of this section
14 shall contain the following conditions:

15 (a) The Indian nation or tribe, but not the United States bureau of
16 Indian affairs, shall submit proof of adequate public liability and
17 property damage insurance for vehicles operated by the peace officers
18 and police professional liability insurance from a company licensed to
19 sell insurance in the state;

20 (b) Each applicant for a commission shall successfully complete
21 seven hundred twenty hours of basic law enforcement training that is
22 approved by the executive director of the Washington state criminal
23 justice training commission;

24 (c) The chief of the Washington state patrol has the authority to
25 suspend any commission granted under subsection (2) of this section for
26 reasons solely within his or her discretion;

27 (d) If any provision of the agreement is violated by the Indian
28 nation or tribe or the United States bureau of Indian affairs, or any
29 agent of the Indian nation or tribe or the United States bureau of
30 Indian affairs, the chief of the Washington state patrol shall suspend
31 the agreement on five days' notice, which suspension shall last until
32 the chief is satisfied that the violation has been corrected and will
33 not recur;

34 (e) A copy of any citation issued pursuant to a commission
35 authorized by this section shall be submitted within five days to the
36 chief of the Washington state patrol;

37 (f) Any citation issued pursuant to a commission authorized by this

1 section shall be to a Washington court, except that any citation issued
2 to Indians within the exterior boundaries of an Indian reservation may
3 be cited to a tribal court;

4 (g) The agreement, or any commission issued pursuant to the
5 agreement, shall not confer any authority on a tribal court or other
6 tribal authority that the court or authority would not otherwise
7 possess;

8 (h) The authority granted by any agreement entered into under this
9 section shall be coextensive with the exterior boundaries of the
10 reservation, except that an officer commissioned under this section may
11 proceed in fresh pursuit of an offender beyond the exterior boundaries
12 of the reservation;

13 (i) The chief of the Washington state patrol, or his or her
14 designee, and the Indian nation or tribe or the appropriate federal
15 official is required to meet at least annually at the call of the chief
16 of the Washington state patrol to discuss the status of the agreement
17 and invite other law enforcement officials or other officials to attend
18 as necessary.

19 (4) For purposes of civil liability, a tribal officer exercising
20 general authority law enforcement power granted under this chapter
21 shall be considered an employee of the jurisdiction that commissioned
22 the officer while he or she is exercising the power. The jurisdiction
23 that commissioned the officer shall be civilly liable for any tortious
24 acts or omissions committed by a tribal law enforcement officer while
25 exercising the general authority law enforcement power granted under
26 this chapter to the same extent as if the tribal law enforcement
27 officer was an employee of the jurisdiction that commissioned the
28 officer.

29 (5) Nothing in this section impairs or affects the existing status
30 and sovereignty of an Indian nation or tribe as established under the
31 laws of the United States.

32 (6) Nothing in this section limits, impairs, or nullifies the
33 authority of a county sheriff to appoint duly commissioned state or
34 federally certified tribal law enforcement officers as deputy sheriffs
35 authorized to enforce the criminal and traffic laws of Washington.

1 NEW SECTION. **Sec. 3.** Sections 1 and 2 of this act constitute a
2 new chapter in Title 10 RCW.

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